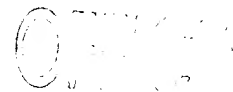


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



MAERTENS, et al.

Atty. Ref.: 2551-111; Confirmation No. 7439

Appl. No. 09/899,082

Group: 1634

Filed: July 6, 2001

Examiner: Whisenant

For: PROCESS FOR TYPING OF HCV ISOLATES

\* \* \* \* \*

February 23, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

VIA FACSIMILE TO: 7038729306

Sir:

**RESPONSE AFTER FINAL REJECTION**

Responsive to the Official Action dated February 2, 2004, entry and consideration of the following remarks, as well as the attached and the Information Disclosure Statement filed February 5, 2004, are requested.

Return of an initialed copy of the PTO 1449 Form filed February 5, 2004, is requested.

Claims 24-54 are pending. Claim 33 noted on page 2 of the Office Action dated February 2, 2004 (Paper No. "012004") is pending and the undersigned regrets any confusion caused by the omission of claim 33 in the Amendment of November 4, 2003, and appreciates the Examiner's consideration of the same as an inadvertent typographical error. The Examiner is requested to advise the undersigned if a further

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complete set of the pending claims should be submitted, for completeness. As the claims are not being further amended herein, a set of pending claims is not provided herewith.

The Examiner has again indicated that the application fails to comply with the requirements of 37 CFR 1.821 through 1.825 "for the reason(s) set forth on the attached Raw Sequence Listing Error Report." See, page 2, ¶ 2. of Paper No. 012204. The copy of the Office Action of February 2, 2004, received by the undersigned did not contain a Raw Sequence Listing Error Report and the Examiner is requested to forward a further copy of the same, preferably by return facsimile to 7038164100 in the event an objection of the application based on 37 CFR §§ 1.821-1.825 is maintained.

The Examiner has further indicated that the application fails to comply with the requirements of 37 CFR §§ 1.821-1.825 for the reasons indicated in the Notice to Comply. See, page 2, ¶ 2. of Paper No. 012204. A Notice to Comply has not been received by the undersigned in connection with the above-identified application. Clarification and a further copy of any previously mailed Notice to Comply are requested along with further time to comply without penalty or requirement of extension fees.

The applicants note that the Examiner has previously indicated that the application complies with the Sequence Rules. See, page 2 of the Office Action dated June 19, 2002 and page 2 of the Office Action dated August 8, 2002.

The Examiner did object to certain of the Figures in ¶ 2. on page 2 of the Office Action dated August 4, 2003 for failing to include sequences of the figures in the Sequence Listing. The applicants however responded to the requirement by amending the specification in the Amendment of November 4, 2003, to include a new Sequence

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Listing and Figures which include the corresponding sequence identifiers. These figures have been accepted by the Examiner. See, page 1 of the Office Action of February 2, 2004. The specification (Sequence Listing and Figures) are submitted to comply with the Sequence Rules. Specific clarification of any outstanding rejection and/or objection of the specification and/or claims based on the Sequence Rules is requested, along with further time to comply without penalty or requirement of extension fees.

Claims 29, 31-33, 36-42, 46, 48, 49, 52 and 53 have been allowed. See, page 1 of Paper No. 012004.

Claims 24-27, 34, 35, 43 and 50 have been rejected under the judicially-created doctrine of obviousness-type double patenting. Attached are three Terminal Disclaimers and the Office is authorized by the attached cover sheet to charge the undersigned's Deposit Account No. 14-1140 for the requisite Terminal Disclaimer fees. The attached Terminal Disclaimers are submitted to obviate the remaining outstanding rejections, without prejudice, to advance prosecution.

Claims 28, 30, 44, 45, 47, 51 and 54 have been objected to as being dependent on a rejected base claim. The attached Terminal Disclaimers and authorization to charge the undersigned's Deposit Account No. 14-1140, are believed to also obviate the objection of these claims.

Entry of the attached and withdrawal of the outstanding rejections and objections, and issuance of a Notice of Allowance along with an initialed copy of the PTO 1449 Form filed February 4, 2004, are requested.

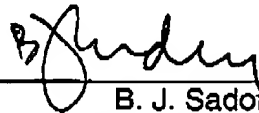
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The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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